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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 MONIQUE CANDOR,

12 Plaintiff,

13 vs.

14 UNITED STATES OF AMERICA,

15 Defendant.

CASE NO. 13-CV-1044-LAB-WMC

**ORDER DENYING MOTION FOR
LEAVE TO PROCEED IN FORMA
PAUPERIS**

16 Monique Candor filed this case on May 1, 2013. Now pending is her Motion to
17 Proceed IFP.

18 All parties instituting a civil action in a district court of the United States, except for
19 habeas petitioners, must pay a filing fee of \$350. See 28 U.S.C. § 1914(a). A party is
20 excused from paying the fee, however, if the Court grants leave to proceed IFP pursuant to
21 28 U.S.C. 1915(a). See *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Circuit 1999). To
22 proceed IFP, a plaintiff doesn't need to prove that she's absolutely destitute, but she does
23 need to show that, because of her poverty, she cannot provide the filing fee and still provide
24 her dependants with the necessities of life. See *Adkins v. E.I. DuPont de Nemours & Co.*,
25 335 U.S. 331, 339–40 (1948).

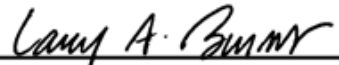
26 Candor hasn't made this showing. She is certainly struggling professionally and
27 financially, but she indicates that she is receiving \$3,000 per month from a former law client.
28 She also has enough money in the bank and cash in her pocket to pay the filing fee, a car

1 worth \$9,000, and certain debts and obligations that don't necessarily deserve priority over
2 the Court's filing fee. It may well be a hardship for Ms. Candor to pay the filing fee, but
3 hardship alone isn't enough to litigate in federal court for free.

4 The motion to proceed IFP is **DENIED WITHOUT PREJUDICE**. Ms. Candor may file
5 an amended IFP motion within two weeks of the date this Order is entered, or she may pay
6 the filing fee and begin litigating this case in earnest.

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8 **IT IS SO ORDERED.**

9 DATED: May 12, 2013

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11 **HONORABLE LARRY ALAN BURNS**
12 United States District Judge

13 cc: **Petitioner/Plaintiff, Pro Se**
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